

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2700

SPONSOR: Transportation Committee and Senators Atwater and Bennett

SUBJECT: Motor Vehicles/Right Hand Lane

DATE: April 13, 2004 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Meyer	TR	Fav/CS
2.	_____	_____	JU	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

The CS , also known as the “Road Rage Reduction Act,” expresses the Legislature’s intent “to decrease the incidence of drivers interfering with the movement of traffic, to reduce road rage and aggressive driving, to minimize crashes, and to promote the orderly, free flow of traffic on the roads and highways of the state.”

In addition, the CS requires a person operating a motor vehicle on a two-lane roadway designed for two-way movement of traffic to occupy the right-hand lane at all times, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn. It also prohibits a person from operating a motor vehicle on a four-lane highway, an interstate highway, a highway with fully controlled access, or the Florida Intrastate Highway System, in the left-hand lane except when overtaking or passing another vehicle. The CS provides a number of exceptions to this general rule.

According to the CS, violation is a non-criminal traffic infraction punishable as a moving violation. A violator is subject to a \$60 fine, up to \$30 in court costs, and assessment of 4 points against the driver's license. In addition, the Department of Highway Safety and Motor Vehicles (DHSMV) is required to conduct a public awareness campaign to inform the motoring public about the act, and utilize, in cooperation with the Florida Highway Patrol, public service announcements.

This CS substantially amends sections 316.081 and 322.27 of the Florida Statutes.

## II. Present Situation:

Section 316.081, F.S., requires a motor vehicle proceeding upon any roadway at less than the normal speed of traffic under prevailing conditions must be driven in the right-hand lane, or as near as practicable to the right-hand curb or edge of the roadway. However, the requirement does not apply when the motor vehicle is overtaking or passing another vehicle proceeding in the same direction, or when preparing for a left turn.

On a two-way roadway having four or more lanes, no vehicle may be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except to overtake or pass, or to prepare for a left turn.

Nothing in current law prohibits a person from operating a motor vehicle in the leftmost lane of multiple lanes traveling in the same direction, where the leftmost lane is not reserved for vehicles carrying multiple passengers.

Section 322.27, F.S., establishes a system of points that are assessed against a driver's license when a person is convicted of violating certain motor vehicle laws. The point system is used for the evaluation and determination of the continuing qualification of any person to operate a motor vehicle. The DHSMV is authorized to suspend the license of any person upon a showing of its records or other good and sufficient evidence the licensee has been convicted of violation of motor vehicle laws amounting to 12 or more points as determined by the point system. The suspension will be for a period of not more than one year. The statute provides the following provisions:

- When a licensee accumulates 12 points within a 12-month period, the period of suspension will be for not more than 30 days.
- When a licensee accumulates 18 points within an 18-month period, the suspension will be for a period of not more than 3 months.
- When a licensee accumulates 24 points within a 36-month period, the suspension will be for a period of not more than 1 year.
- The point system has, as its basic element, a graduated scale of points assigning relative values to convictions of the following violations:
  1. Reckless driving—4 points
  2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points
  3. Unlawful speed resulting in a crash—6 points
  4. Passing a stopped school bus—4 points
  5. Unlawful speed:
    - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points
    - b. In excess of 15 miles per hour of lawful or posted speed—4 points
  6. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points

7. Any moving violation, excluding unlawful speed, resulting in a crash—4 points
8. Dumping litter in an amount exceeding 15 pounds, which involves the use of a motor vehicle—3 points
9. Driving during restricted hours—3 points
10. Violation of curfew—3 points
11. Open container as an operator—3 points
12. Child restraint violation—3 points

Moving violations typically result in assessment of 3 points, unless the infraction or offense is among those viewed as more serious. For example, reckless driving, passing a stopped school bus, and speeding in excess of 15 mph over the posted limit all require assessment of 4 points. Leaving the scene of a crash and speeding resulting in a crash require assessment of 6 points. All other moving violations require assessment of 3 points.

### **III. Effect of Proposed Changes:**

This CS provides a popular name for the act, which shall be known as the “Road Rage Reduction Act.” Also, the CS expresses the Legislature's intent "to decrease the incidence of drivers interfering with the movement of traffic, to reduce road rage and aggressive driving, to minimize crashes, and to promote the orderly, free flow of traffic on the roads and highways of the state."

This CS amends s. 316.081, F.S., to require a person operating a motor vehicle on a two-lane roadway designed for two-way movement of traffic to occupy the right-hand lane at all times, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

In addition, the CS prohibits a person from operating a motor vehicle on a four-lane highway, an interstate highway, a highway with fully controlled access, or the Florida Intrastate Highway System, in the left-hand lane except when overtaking or passing another vehicle. The CS provides a number of exceptions to this general rule. The left-hand lane restriction shall not apply:

- When no other vehicle is directly behind the vehicle in the left-hand lane;
- When traffic conditions and congestion make it impractical to drive in the right hand lane;
- When inclement weather conditions make it necessary to drive in the left-hand lane;
- When obstructions or hazards exist in the right-hand lane;
- When, because of highway design, a vehicle must be driven in the left-hand lane when preparing to exit;
- On toll highways when necessary to use Sun-Pass and on toll and other highways when driving in the left-hand lane is required to comply with an official traffic control device; or

- To law enforcement vehicles, ambulances, and other emergency vehicles engaged in official duties and vehicles engaged in highway maintenance and construction operations.

According to the CS, violation is a non-criminal traffic infraction punishable as a moving violation. A violator is subject to a \$60 fine, up to \$30 in court costs. In addition, the CS amends s. 322.27, F.S., to provide any driver convicted of a violation under s. 316.081, F.S., will have 4 points assessed to his her driver's license.

Finally, DHSMV is required to conduct a public awareness campaign to inform the motoring public about the act, and utilize, in cooperation with the Florida Highway Patrol, public service announcements.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

A person unlawfully operating a motor vehicle in the left-hand lane may be fined \$60 for a moving violation and up to \$30 in court costs. In addition, the person is subject to assessment of 4 points against his or her driver's license.

##### **C. Government Sector Impact:**

The CS prohibits behavior that is currently lawful. It is unknown how many traffic citations will be issued pursuant to the CS's provisions; therefore, the resulting increase in revenue to the state and local governments is indeterminate. However, DHSMV estimates the CS will have no fiscal impact.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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